

1 THE HONORABLE JAMES L. ROBART
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

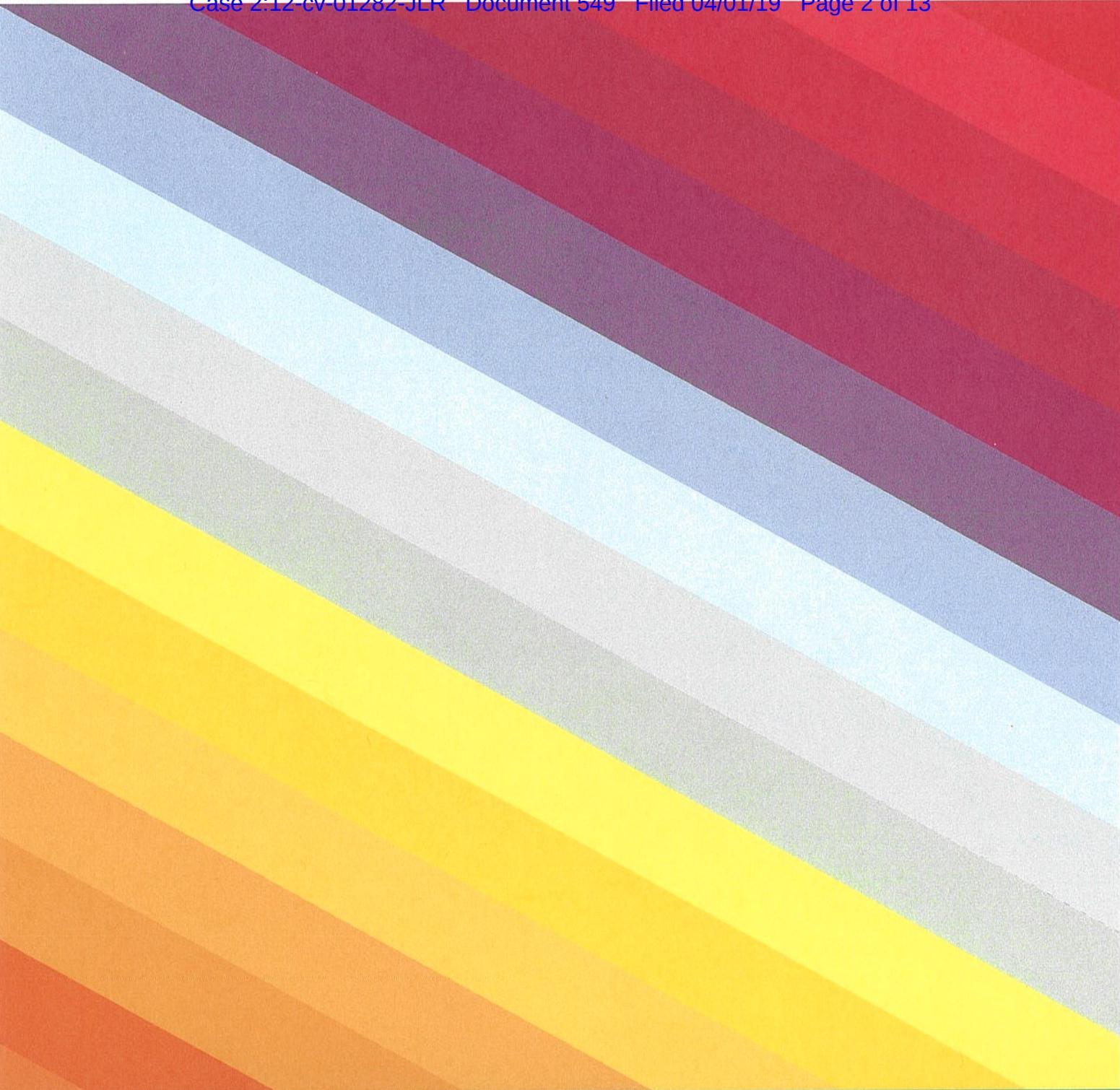
13 CITY OF SEATTLE,

14 Defendant.

No. 2:12-cv-01282-JLR

15 REVIEW OF SEATTLE POLICE
16 DEPARTMENT'S DATA
17 COLLECTION PROCESS FOR
18 MARCH 2019

19 The Review of the Seattle Police Department's Data Collection Process for March
20 2019, is dated April 1, 2019.
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SEATTLE
POLICE
MONITOR

Review of the Seattle Police Department's Data Collection Practices

March 2019

The Monitoring Team's ("MT") Review of the Seattle Police Department's ("SPD") Data Collection Practices

SPD's Data Analytics Platform ("DAP")

The purpose of this review is to examine how the DAP is currently functioning and if there are technical or governance issues requiring substantial improvement—and there are. This review is aimed at determining how well the DAP is functioning technically given its parameters and the goals the Parties set for it with the technical assistance of the Monitoring Team (MT).¹

The MT finds that from a design standpoint, the DAP appears solid. It has impressive potential capacity to measure officer performance on an individual and comparative basis; to analyze patterns, trends, and statistics; to perform studies on a historical and longitudinal basis; and to discover failures of leadership, supervision, discipline, and training; among other capabilities to manage the risk of police misconduct. The capacity to deal with Fourth Amendment constitutional failures is not only impressive in comparison to where SPD was at the outset of the Consent Decree, but also in comparison with many other major city police departments today.²

¹ The SPD claims that the DAP has been useful inside and outside the SPD:

Since 2016, SPD has published annual reports summarizing critical policing data for the public in three areas: crisis intervention, use of force, and stops and detentions. Since the DAP was implemented, SPD's annual reports conduct more sophisticated analytics.

- SPD states it has used the DAP's data synthesis and analysis tools in conducting the audits and assessments as part of the Sustainment Period under the Consent Decree. These include, so far, according to the SPD, examinations of its continued compliance with Consent Decree requirements related to supervision; officer interactions with people in crisis; and use of force reporting and investigation.
- DAP enables users to create multiple collections of data, known as dashboards, which present information in a readily understandable format. One example of a Tableau dashboard is the SPD's "Data-Driven" crime dashboard on the Seattle city website.

² The MT at a later time will assess how actively the DAP is being used up and down the entire chain of command to manage the risks of unconstitutional policing—particularly in the areas of excessive force and stop and frisk. Also, the MT will later examine the DAP's functionality with respect to other areas critical to Consent Decree requirements, such as misconduct complaints, vehicle pursuits, and other performance thresholds currently used in the SPD's early intervention system (EIS). For an overview of the EIS and performance thresholds, see SPD Policy 3.07, available online at <http://www.seattle.gov/police-manual/title-3---employee-welfare/3070---early-intervention-system>. See also MT Eighth Systemic Assessment: Early Intervention System (March 2017), available online at <https://static1.squarespace.com/static/5425b9f0e4b0d66352331e0e/t/5942a12946c3c494c4da9352/1497538860771/Eighth+Systemic+Assessment--EIS.pdf>

I. The Need for the DAP

The Department of Justice (“DOJ) identified data deficiencies as an important issue in its December 2011 findings letter and called for data collection, tracking, and monitoring with respect to use of force, stops and detentions, and crisis intervention. Following intensive research and investigation, the MT found that the SPD lacked not only accurate, consistent, and reliable data, but also could not even use the fault-ridden data it had to detect or analyze patterns and trends of unconstitutional policing by whom and where, the unhappy result of years of manifest indifference and the creating of patchwork data silos that could not communicate with each other.³

Under the Consent Decree, the Department faced the task of fundamentally changing the manner in which its rank-and-file officers report force and stops and how supervisors investigate and review these critical incidents. This required an end to the days where force reporting existed—if it existed at all—on paper that was stuffed, unreviewed, in file cabinets or entered into an unreliable, inaccurate, and incomplete outdated database. Likewise, to better manage officer performance and engage in proactive officer development, the SPD needed to be able to access and analyze information about what its officers are doing reliably and efficiently.⁴

A police department cannot effectively review officers’ performance of their law enforcement activities if those activities are not systematically documented, tracked, and reviewed. The MT emphasized in its Second Semiannual Report the importance to SPD of a business intelligence system to collect factual information on unconstitutional policing:

³ Most former SPD databases were independent, and not structured in a way in which they could link corresponding events, officers, or subjects. For example, there was no easy way to learn through automated linkage whether a given incident was also associated with a use of force, citizen complaint, or lawsuit., the DAP, however, allows for a high level of integration across data tables, so that corresponding fields can be linked. While this creates an environment conducive to more useful, nuanced analyses, it also increases the need for rigorous data quality assurances, to make certain that data entered into each of these sources is formatted in a consistent way and may be appropriately linked across tables.

⁴ Fifth Semiannual Report at 33 (internal quotations and citations omitted).

Modern policing is, in short, a scientific and data-driven enterprise. Unlike earlier computer database systems, which were built primarily to provide early identification of officers who generate more personnel complaints than their peers, today's business intelligence systems permit tremendous amounts of data to be retained, sorted, and mined for research, insight, and a more comprehensive picture of officer performance, department-wide practices, and both systemic and officer-specific trends.

A business intelligence system, properly conceived and developed, is pivotal to SPD's ability to hold itself accountable for constitutional policing and to test whether performance outcomes are consistent with the Settlement Agreement's goals and ends.⁵

Chief Kathleen O'Toole recognized the importance of a computerized business information system, which had been re-named the Data Analytics Platform ("DAP"), to SPD's operations. In an August 19, 2014 status conference, Judge Robart emphasized the importance of SPD collecting and using reliable data to manage officer and departmental performance:

The Business Intelligence System doesn't tell you if there is or is not full and effective compliance, but it does give me the information that allows me to make that judgment. And that's why I have taken such a keen interest in this.⁶

⁵ Seattle Police Monitor, Second Semiannual Report, December 2013

⁶ 8/19/14 Status Conference Transcript at 39.

Chief O'Toole echoed the Court's sentiment, noting that "it's absolutely essential to have all of the information that [the Monitor] has indicated is required."⁷

After the entry of the Consent Decree, and following ultimately unsuccessful efforts by the then SPD's internal tech team and its then sworn superiors to stonewall the DAP to keep the development of any new data systems in-house,⁸ SPD, under newly appointed Chief O'Toole, engaged PricewaterhouseCoopers (PwC) to audit SPD technology. The audit confirmed the DOJ and MT findings. PwC recommended a complete overhaul of SPD's hardware, software, governance protocols, and data policies.

To that end, in October 2015, Accenture was selected to construct the DAP.⁹ The DAP was designed by the City and the MT. The MT believes the DAP is the principal and best resource to provide the important data to SPD at both the supervisor and command level positions. Accordingly, as SPD continues to evolve the DAP, the MT will conduct further analysis of how the DAP is being actively used at all levels of supervision from sergeant all the way up the chain of command to manage the risk of constitutional misconduct.¹⁰

⁷ 8/19/14 Status Conference Transcript at 13.

⁸ That old IT team and its supervisors are no longer in power. Chief Best's current team, led by Loren Atherley, has followed a more collaborative approach.

⁹ OCTOBER 22, 2015 Seattle Police Department Selects Accenture to Deliver Data Analytics Platform to Support Police Operations and Investigations.

¹⁰ SEATTLE; Oct. 22, 2015 – The Seattle Police Department (SPD) has selected Accenture (NYSE: ACN) to design and implement a data analytics platform that will give the Department reliable and rapidly accessible data that will enable it to meet important management and governance objectives and support leadership decision making.

The technology will provide the Department with enhanced reporting and analytical capabilities relating to its operations and investigations, including the creation of system alerts to improve leadership monitoring and oversight of policing activities and administrative processes. The system of alerts will allow the SPD to make data-driven decisions based on analytics insights and will bring leadership's attention to incidents and cases of complaints against officers, which are outside established parameters and might require further inquiry.

The data analytics platform will enable the SPD to consolidate, manage and analyze data relating to police calls and incidents, interactions with the public, use-of-force incidents, administrative processes, officer training and workforce management.

Recently, the Monitoring Team discovered a policy that blocked the ability of precinct lieutenants and captains directly to drill down to data on rank-and-file officers in their precinct. SPD has drafted a directive effective April 5 to address the problem.¹¹ The Monitoring Team is encouraged by the directive will follow this matter closely.

II. The Current State of the DAP

Our review concludes that the DAP, which now functionally incorporates the MT's, PwC, and Accenture recommendations, appears solid. It purports to draw information from many different sources and to integrate it properly. It is apparently being used for some analytical work.

- Since 2016, SPD has published annual reports summarizing critical policing data for the public in three areas: crisis intervention, use of force, and stops and detentions. Since the DAP was implemented according to the SPD, SPD's annual reports conduct more sophisticated analytics., including the examination of data at a far more granular level—e.g., enabling a breakdown by watch or precinct—and the exploration of linkages across different data sources.
- SPD states that it has also used the DAP's data synthesis and analysis tools in conducting the audits and assessments as part of the Sustainment Period under the Consent Decree. SPD contends these includes. These include, so far, examinations of its continued compliance with Consent Decree requirements related to supervision; officer

The SPD's ability to review and report data was an area of need identified in a 2011 Department of Justice investigation of the SPD. The Seattle Police Monitoring Team supported the deployment of the system in a subsequent report, believing it "...pivotal to SPD's ability to hold itself accountable for constitutional policing."

"Judge James L. Robart made himself very clear last August when he granted us an extension to procure a data analytics platform in accordance with our settlement agreement," said Seattle Police Chief Operating Officer Mike Wagers. "We are pleased to announce this contract with Accenture, which is well under the anticipated costs and will enable us to deliver ahead of schedule. This new data analytics platform will improve our ability to track use of force, officer performance and early intervention, all while saving the city money."

¹¹ Directive 2019-0005. "In the Q2 update of DAP – after the roll-out of Mark 43 – commanders will be provided with the ability to view all data, captains are directed to meet with each of the sergeants within their command and review the squad and officer performance data available on the Sgt's Dashboard. This will be conducted within the following timeframes:

- Captains will complete this review every month.
- Lieutenants will complete this review every two weeks.
- Sergeants will access their squad and officer dashboards on a weekly basis.

interactions with people in crisis; and use of force reporting and investigation.

- DAP enables users to create multiple collections of data, known as dashboards, that present information in a readily understandable format. One such dashboard is the Tableau crime dashboard on the Seattle city website. Thus, the SPD contends in addition to improving data quality and integration, and allowing for more nuanced analyses, the DAP and other data systems accessed through the Tableau interface should also serve to increase transparency both within SPD and to the public.¹²

There are nonetheless some ongoing problems:

Data integrity is progressing yet there remain compatibility issues between legacy source systems and the transmission of data into the DAP. SPD states that it is addressing the root of those issues, most significantly through a replacement of its outdated Records Management System ("RMS"). SPD states that this new system, which will come online in March 2019, will address these compatibility concerns by June. The MT will thus return to these issues when the new RMS is up and running. The SPD asserts that most, if not all, of the issues detailed above will disappear when a new RMS system, designed and installed by Mark 43 Inc., is put into operation in June 2019. We do not have a view yet as to the complexity of the Mark 43 RMS, the ease with which it can be installed and made compatible with DAP, or the amount of time to correct the issues described above.

- Data issues have continued to persist, according to SPD, in linking Terry stops to Computer- aided Dispatch ("CAD") events. Each night the DAP is updated to include new and updated data. The new data upload process begins at midnight and continues in several phases so that data entered up until midnight on a given day is available for review through the Tableau platform by 7:00 a.m. the following morning.

¹² According to the SPD, SPD staff at the unit and management level are using the DAP to:

- Track crisis and use-of-force related trends across precincts and follow up with groups such as the Force Review Unit to identify the root causes.
- Apparently, the Crisis Response Unit used DAP to provide feedback to a court diversion program on how it could increase utilization rates.
- SPD states it is collaborating in research with Washington State University in an effort to improve its early intervention system and with researchers at John Jay College of Criminal Justice to evaluate the effectiveness of different crisis response trainings.

- Because of manual processes associated with legacy source systems, there is the potential for delay of up to *three weeks* before certain information may be available in the DAP. For example, if Terry stop data was attached to a lower priority report in the transcription queue, (e.g., a follow up or supplemental report that an officer has yet to complete or file), it could take upwards of two weeks or more before the linked data appeared in the DAP or on Tableau.¹³ Conversely, if Terry stop data was attached to additional documentation that did not reside in the transcription queue—such as an officer's completed General Offense ("GO") report or street check report that provides the final documentation for an event—the data was likely to appear more quickly. The transcription queue is actively managed by personnel in the SPD Data Center. SPD officials acknowledged that this time-lag could have caused the Department to present data with a two-week lag during bi-weekly crime control meetings such as SeaStat.
- There are persistent and unexplained anomalies in dispositions recorded in the Crisis Events Database, the CAD database, the Use of Force database, and the Terry Stop Database.

The SPD asserts that most, if not all, of the problems detailed above will disappear when a new RMS system, designed and installed by Mark 43 Inc., is put into operation with the DAP in June 2019. We do not have a view yet as to the complexity of the Mark 43 RMS, the ease with which it can be installed and made compatible with DAP, or the amount of time to correct the data deficiencies and inconsistencies described above.

In sum, the DAP is a work in progress with a solid design. Whether it reaches its potential to become the state-of-the-art tool depends upon the ongoing commitment of the City and the SPD.

¹³ Tableau is software through which data from the DAP and other sources can be accessed, analyzed, and visualized. Tableau enables users to create multiple collections of data, known as dashboards, which present information in a readily understandable format.

We look forward to reviewing all policies and protocols governing use of the DAP, with special emphasis on accountability. For example, a way to incorporate the regular use of the DAP into the daily management of operations and performance management would be to include a section in the SPD's annual performance evaluations. The effective use of data by all ranks, should serve as a consideration for promotions, transfers, and other departmental reward systems. Transparency is to the use of the DAP every much as body camera is to a police encounter with a community member.

The sad history is that some police departments return to the bad practices that required a Consent Decree in the first case when the Consent Decree dissolves. We are here to make certain that reform is here to stay in Seattle and that the shining example of the SPD's compliance to date and in the future, is bedrock solid. We believe the DAP is an important component of ensuring this lasting reform.

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1 The Court hereby approves the Review of the Seattle Police Department's Data Collection
2 Process of March 2019 dated April 1, 2019.

3 DONE IN OPEN COURT this _____ day of April, 2019.
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7 THE HONORABLE JAMES L. ROBART
United States District Judge
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1 CERTIFICATE OF SERVICE
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I certify that on the 1st day of April, 2019, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record.

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DATED this 1st day of April, 2019.

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